

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SHEILA V. PRICE, on behalf of
herself and all others similarly
situated,

Plaintiff,

V.

**FIRST ADVANTAGE
BACKGROUND SERVICES CORP.,**

Defendant.

Civil Action No. 1:17-cv-03393-WSD-WEJ

**DEFENDANT’S MOTION TO DISMISS AND/OR STRIKE
PLAINTIFF’S CLASS CLAIMS OR CLASS ALLEGATIONS IN COUNT I**

Defendant First Advantage Background Services Corp. (“First Advantage”) respectfully moves the Court, pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(f) and Local Rule 7.1, to dismiss two of the three class claims in Count I of Plaintiff Sheila V. Price’s (“Plaintiff’s”) Class Action Complaint (the “Complaint”) [Doc. 1] and/or to strike the class allegations related to Count I in the Complaint. As grounds for its motion, First Advantage shows the Court that the class definition, on its face, is not susceptible to revision without failing Federal Rule of Civil Procedure 23(b)(3)’s predominance requirement. Not only this, but Plaintiff fails to allege that anyone’s information

other than her own was inaccurate—a necessary element of any putative class member’s § 1681e(b) claim.

In support of its Motion to Dismiss, First Advantage relies upon its Memorandum of Law filed contemporaneously herewith and the pleadings in this case.

WHEREFORE, Defendant First Advantage respectfully requests that the Court dismiss two of the three class claims in Count I and/or to strike the class allegations related to Count I.

Respectfully submitted, this 12th day of October, 2017.

/s/ Henry R. Chalmers
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*Counsel for Defendant First Advantage
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CERTIFICATE OF COMPLIANCE

By his signature below, and as required by Local Rule 7.1.D., counsel for Defendant First Advantage Background Services Corp. certifies that this document has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1.B, namely, Book Antiqua (13 point).

Respectfully submitted, this 12th day of October, 2017.

/s/ Henry R. Chalmers
Henry R. Chalmers

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This 12th day of October, 2017.

/s/ Edward P. Cadagin
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